

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 JANET WILLIAMS,) NO. CV 17-5640-AB (Ex)
12 Plaintiff,)
13 v.) CERTIFICATION AND ORDER
14 LOS ANGELES SHERIFF'S) TO SHOW CAUSE RE CONTEMPT
DEPARTMENT, ET AL.,)
15 Defendants.)
16)

18 It is ordered that Defendant Los Angeles Sheriff's Department
19 and Defendant County of Los Angeles shall appear on August 30, 2019,
20 at 10:00 a.m. in the Courtroom of the Honorable André Birotte Jr.,
21 United States District Judge, at 350 West First Street, Courtroom 7B,
22 Los Angeles, California 90012, and then and there to show cause, if
23 there be any, why these Defendants should not be adjudged in contempt
24 by reason of the facts certified herein.

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1 In accordance with 28 U.S.C. section 636(e), the Magistrate
2 Judge certifies the following facts:¹

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4 1. On February 15, 2019, the Magistrate Judge issued a
5 Minute Order stating:

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7 Without legitimate excuse, Defendants Los Angeles
8 Sheriff's Department and County of Los Angeles
9 ("Defendants") remain in willful violation of
10 this Court's June 22, 2018 Order and this Court's
11 November 16, 2018 Order. In particular,
12 Defendants still have not produced to Plaintiff
13 any documents responsive to Plaintiff's Request
14 for Production No. 18.

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16 In the event Defendants fail to produce to
17 Plaintiff all documents responsive to Plaintiff's
18 Request for Production No. 18 on or before
19 February 19, 2019, Defendants shall pay to the
20 Court a per diem sanction in the amount of
21 \$500.00 beginning on February 20, 2019. See

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23 ¹ The question of whether Defendants should be held in
24 contempt on these certified facts, and the question of the
25 appropriate sanctions to be imposed, if any, are commended to the
26 District Judge for his consideration. See 28 U.S.C. § 636(e);
27 see also Bingman v. Ward, 100 F.3d 653, 658 (9th Cir. 1996),
28 cert. denied, 520 U.S. 1188 (1997); Taberer v. Armstrong World
Industries, Inc., 954 F.2d 888, 903-908 (3d Cir. 1992). The
limited contempt powers granted to Magistrate Judges in the
"Federal Courts Improvement Act of 2000" do not extend to the
circumstances presented in the instant case. See 28 U.S.C. §
636(e).

Grimes v. San Francisco, 951 F.2d 236, 240-41 (9th Cir. 1991). Defendants shall pay a \$500.00 sanction to the Court every calendar day thereafter until Defendants comply fully with this Court's orders to produce to Plaintiff all documents responsive to Plaintiff's Request for Production No. 18. These per diem sanctions shall be paid by checks to "Clerk, U.S. District Court" and the checks shall state in the "Memo" sections thereof: "Sanctions for case No. CV 17-5640-AB (Ex) ."

2. From February 19, 2019, and continuing through at least July 19, 2019, Defendants failed to produce to Plaintiff all documents responsive to Plaintiff's Request for Production No. 18, as required by the Magistrate Judge's February 15, 2019 Order.

3. From February 20, 2019, and continuing through at least July 19, 2019, Defendants failed to pay any of the per diem sanctions required by the Magistrate Judge's February 15, 2019 Order.

DATED: July 23, 2019.

/s/
CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE